

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VINCENT ASPROMONTE,

Plaintiff(s),

-against-

PLUMBERS & PIPEFITTERS NATIONAL
PENSION FUND,

Defendant(s).

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ORDER

CV 08-3144 (JS)(WDW)

WALL, Magistrate Judge:

Before the court is a motion by the defendant seeking dismissal of the complaint pursuant to Rule 37, for the plaintiff's repeated failures to comply with discovery obligations and to comply with court orders, as set forth in detail in the letter motion. DE[9] The plaintiff opposes the motion. DE[10]

The plaintiff has shown his disregard for the discovery deadlines and orders in this case, and has not shown substantial justification for his failures. He did, however, serve his discovery responses after the motion was filed and the court will not recommend dismissal at this time. The plaintiff is directed to file with the court a motion for an extension of the discovery deadlines, including a statement of the discovery remaining to be completed in this case, if any, and a proposed amended discovery order, entered into after consultation with the defendants' attorney. The proposed order must be filed no later **February 16, 2009**. If the parties believe that discovery is complete, the plaintiff should so notify the court. **If the plaintiff fails to timely file the discovery motion or notice that discovery is complete, the undersigned will recommend dismissal of the action.**

Dated: Central Islip, New York
January 30, 2009

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge